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**NASSAU COUNTY LEGISLATURE**

**NORMA GONSALVES**  
**PRESIDING OFFICER**

**LEGISLATIVE SESSION**

**County Executive and Legislative Building**  
**1550 Franklin Avenue**  
**Mineola, New York**

**Monday, June 18, 2013**  
**1:13 A.M.**

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**A P P E A R A N C E S:**

**LEGISLATOR NORMA L. GONSALVES**

**Presiding Officer**

**13th Legislative District**

**LEGISLATOR MICHAEL VENDITTO**

**12th Legislative District**

**LEGISLATOR CARRIE SOLAGES**

**19th Legislative District**

**LEGISLATOR HOWARD KOPEL**

**Alternate Presiding Officer**

**7th Legislative District**

**LEGISLATOR FRANCIS X. BECKER, JR.**

**6th Legislative District**

**LEGISLATOR DENNIS DUNNE, SR.**

**15th Legislative District**

**LEGISLATOR VINCENT T. MUSCARELLA**

**8th Legislative District**

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**LEGISLATOR RICHARD J. NICOLELLO**

**Deputy Presiding Officer**

**9th Legislative District**

**LEGISLATOR JOSEPH BELESI**

**14th Legislative District**

**LEGISLATOR DENISE FORD**

**4th Legislative District**

**LEGISLATOR ROSE WALKER**

**17th Legislative District**

**LEGISLATOR DIANE DERIGGI-WHITTON**

**18th Legislative District**

**LEGISLATOR KEVAN ABRAHAMS**

**Minority Leader**

**1st Legislative District**

**LEGISLATOR JUDY JACOBS**

**10th Legislative District**

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**LEGISLATOR WAYNE WINK**

**11th Legislative District**

**LEGISLATOR JUDY BOSWORTH**

**3rd Legislative District**

**LEGISLATOR DAVID DENENBERG**

**19th Legislative District**

**LEGISLATOR ROBERT TROIANO**

**2nd Legislative District**

**WILLIAM MULLER**

**Clerk of the Legislature**

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LEGISLATOR GONSALVES: At this time I would like to call on Legislator Dunne to lead us in the pledge of allegiance.

(Pledge of allegiance was recited.)

LEGISLATOR GONSALVES:  
Mr. Muller, please call the roll.

MR. MULLER: Deputy presiding officer Nicoletto.

LEGISLATOR NICOLELLO: Here.

MR. MULLER: Alternate deputy presiding officer Kopel.

LEGISLATOR KOPEL: Here.

MR. MULLER: Legislator Troiano.

LEGISLATOR TROIANO: Here.

MR. MULLER: Legislator Solages.

LEGISLATOR SOLAGES: Here.

MR. MULLER: Legislator Ford.

LEGISLATOR FORD: Here.

MR. MULLER: Legislator Scannell.

MR. MULLER: Legislator Becker.

LEGISLATOR BECKER: Here.

MR. MULLER: Legislator Muscarella.

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2                   LEGISLATOR MUSCARELLA:     Here.  
3                   MR. MULLER:       Legislator Bosworth.  
4                   LEGISLATOR BOSWORTH:     Here.  
5                   MR. MULLER:       Legislator Wink.  
6                   LEGISLATOR WINK:       Here.  
7                   MR. MULLER:       Legislator Venditto.  
8                   LEGISLATOR VENDITTO:     Here.  
9                   MR. MULLER:       Legislator Belesi.  
10                  LEGISLATOR BELESI:       Here.  
11                  MR. MULLER:       Legislator Dunne.  
12                  LEGISLATOR DUNNE:       Here.  
13                  MR. MULLER:       Legislator Jacobs.  
14                  LEGISLATOR JACOBS:     Here.  
15                  MR. MULLER:       Legislator Walker.  
16                  LEGISLATOR WALKER:     Here.  
17                  MR. MULLER:       Legislator  
18                  DeRiggi-Whitton.  
19                  LEGISLATOR DeRIGGI-WHITTON:  
20                  Here.  
21                  MR. MULLER:       Legislator  
22                  Deningenberg.  
23                  LEGISLATOR DENENBERG:     Here.  
24                  MR. MULLER:       Minority leader  
25                  Abrahams.

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LEGISLATOR ABRAHAMS: Here.

MR. MULLER: Presiding officer  
Gonsalves.

LEGISLATOR GONSALVES: Here.

MR. MULLER: We have a quorum.

LEGISLATOR GONSALVES: At this  
time it's in order to call public  
participation and I have two slips. One  
is on an item and if that individual  
would like to wait until the item is  
called to speak. Mr. Flower, would you  
like to wait until the item is called?

Thank you very much.

And the other slip I have is ever  
present Pat Boyle.

MR. BOYLE: Ever present. I only  
heard about this meeting about 20 minutes  
ago so I figured I'd run over. Excuse  
the shorts. I have no air conditioning  
in our building. It's broken.

I just wanted to comment on  
something that I saw in Newsday with  
regard to bonding and youth services.  
Now, it was quoted in Newsday that Kevan

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Abrahams had said that they would be willing to work with \$40 million worth of bonding if the youth board was brought back to full funding. In the article it quoted \$7 million.

Right now, as I see it, it probably wouldn't even be \$7 million right now because there are agencies who have cut back on their programs, closed down programs, who are also sitting in a position where they are trying to scrape up the money that they need to be able to get. But at the same time they are having difficulty in doing that. So that means that they can't hire people. Things of that nature.

So I just want you to keep in mind that I don't think it would be \$7 million is what we're talking about. So that again would leave more money to work with. What I believe is, I don't think it got stated in there, but what I believe is tax certioraris. Possibly residential tax certioraris and then

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other ones that might have been ordered by the court. I understand it's nowhere near enough money for the businesses.

I couldn't help but come here and just hope that we were maybe killing two birds with one stone in some senses. If you could work with that \$40 million and the bonding would be done on that \$40 million basis that some of it go back to the youth agencies and we're able to get our programs up and running again for summer, at least with the anticipation of seeing the money at some point during the course of this next year. And it also frees up some things for next year so that that way we can come back and have a little bit better conversation with regard to funding for 2014 as well too.

All of the youth agencies know about what happened in the paper and are going to probably be contacting the legislators to see where they stand on all of this. I just hope that you would take it and know that what you are doing

1  
2 from a cost benefit position is very  
3 wise. To be able to fund us again at 100  
4 percent going into summertime -- we got  
5 lucky last year on some levels. But on  
6 some levels we didn't. I'm not looking  
7 for that same kind of luck this year if  
8 people can't run programs. I got almost  
9 all of the money that I needed to run the  
10 programs from banks and form other people  
11 but I'm not going to see that money again  
12 because I was begging like a mad man to  
13 get it. So, please look at what you are  
14 able to do. See what we can do for after  
15 school programs and also for the summer  
16 programs that are coming up.

17 LEGISLATOR GONSALVES: Minority  
18 leader Abrahams.

19 LEGISLATOR ABRAHAMS: Just as a  
20 point of clarification and maybe a bit of  
21 news that might be a little bit bright.  
22 One, I think that amount that we have  
23 always referred to, it comes out youth  
24 services I guess but it's for the entire  
25 health and human services. Even though I

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know your number is a smaller portion,  
the goal would be to restore everyone  
that was cut to the full magnitude.

That being said, it is my hope that  
we're going to be able to work something  
out with the county executive as well as  
the majority. I think it's prudent and  
it's time for us to try to see if we can  
do that. I know Legislator Ford and  
Legislator Gonsalves, before she was  
presiding officer, are the same person  
and very compassionate towards the  
issue. It's just a matter of the two  
sides coming together.

We actual felt that the 40 would  
get the process rolling. As you know,  
there were numbers of 20 at one time to  
restore you. We have even, in that case,  
we have gone eight times as more and we  
thought it would be something that would  
get the job done. Obviously it's going  
to require more negotiations and more  
talking and we are willing do that  
because we think that you as well as

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those ratepayers are that important to try to keep doing that. I don't know if that gives you any sign of hope but I figured I'd share that with you.

MR. BOYLE: I appreciate any sign of hope but with signs of hope sometimes come great disappointment as well. Listen, I know that you want to do the right thing. That's never been a question in my mind. Both sides of the aisle I know you want to do the right thing. It's a matter, and I've said this 50,000 times before, it's a matter of priorities. We need to take care of our kids. I don't want to see them getting shot, getting hurt, all these other things they're getting, and I know you are on our side. You just have to work out the details.

LEGISLATOR ABRAHAMS: I agree.

LEGISLATOR GONSALVES: Thank you Pat.

I have no other slips. Is there anybody in the audience who did not put

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in a slip that would like to speak? If not, Mr. Clerk, we are ready to begin.

MR. MULLER: We have an emergency. Comes by the way of recommendation from the administration for the adoption of a resolution setting forth that an emergency exists for consideration of an immediate action upon clerk item 237-13. The emergency resolution number 6-2013 is as follows.

A resolution requesting the legislature of state of the New York to enact and the governor to approve a bill to amend the retirement and social security law, in relation to providing accidental disability retirement benefits for the chief fire marshals, assistant fire marshals, division supervising fire marshals, supervising fire marshals, fire marshals and fire marshal trainees in Nassau County.

Please entertain a motion to place this matter before the legislature and vote on the underlying emergency

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resolution.

LEGISLATOR GONSALVES: Moved by  
Legislator Dunne. Seconded by Legislator  
Ford. All those in favor of the  
emergency signify by saying aye.

(All say aye.)

LEGISLATOR GONSALVES: Any  
opposed? The emergency has been  
established.

MR. MULLER: Then we will go to  
the underlying resolution 97-D of 2013.

A resolution requesting the  
legislature of the state of New York to  
enact and the governor to approve a bill  
to amend the retirement and Social  
Security Law in relation to providing  
accidental disability retirement benefits  
for chief fire marshals, assistant fire  
marshals, division supervising fire  
marshals, supervising fire marshals, fire  
marshals and fire marshal trainees in  
Nassau County.

LEGISLATOR GONSALVES: Moved by  
Legislator Walker. Seconded by

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Legislator Dunne.

Who is here to speak on this item?

MR. MAY: Assistant chief fire marshal John Priest.

MR. PRIEST: Just wanted to say thank you very much for coming together today to address this issue. I am here to introduce basically the vice-president of the Fire Marshal's Benevolent Association Mr. Jerry Flower. And just to take a moment to tell you that on behalf of Chief Tussa, the department head, we fully support their efforts in this matter.

LEGISLATOR GONSALVES: Thank you Assistant Chief Priest.

Welcome Mr. Flower.

MR. FLOWER: My name is Jerry Flower. I'm the vice president of Fire Marshals Benevolent Association. Brian Flack is our president and could not be here today because he's up in Albany out of town.

I would like first to thank the

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legislature, County Executive Mangano, Deputy County Executive Rob Walker for coming together to address this issue.

The Fire Marshal Benevolent Association, along with Jerry Laricchuita of the CSEA, have been working on this bill for some time now. The chief fire marshal of the county of Nassau, Scott Tussa, is also on board with this legislation.

The job of fire marshal by nature is dangerous and can result in serious injury. The fire marshals deal with incidents involving investigating suspicious fires, apprehension of arsonists and other criminals. They are armed peace officers in the state of New York.

Other incidents involving hazardous materials, flammable corrosives and unknown fumes can all cause serious injury and disability to those responding and mitigating these conditions. I myself have been involved in hydrous

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ammonia cloud shutting off leaking valves.

One of our officers have been run over while writing parking summons resulting in having two knees having to be replaced. Another has slipped off a ladder investigating fires in the middle of the winter only to end up having shoulder surgery.

Marshals are also out there doing night safety and bar checks. God forbid Nassau County has an incident like that at the Station Nightclub in Rhode Island with over 100 people killed because of illegal fireworks, blocked exits and overcrowding. Just think what can happen at one or 2 o'clock in the morning when a fire marshal must close a place and count out people because of overcrowding. Beer bottles and glasses have already been thrown at vehicles and windows broken.

The members of the Nassau County Fire Marshals Office don't take the seriousness of their job lightly. They

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are a highly trained and very dedicated group of people. All have been in the fire service, dedicating themselves to their communities and county. Many have been or are active fire chiefs or commissioners. You are getting top people doing very dangerous and potentially disabling jobs.

Although rare, the fire marshals may become seriously injured or disabled doing there job. We are the only law enforcement agency in Nassau County without a three-quarter disability. We are asking that Nassau County be as dedicated to the fire marshals and their families as the marshals are in keeping the citizens of Nassau County safe. We are asking the legislature today for a home rule message that may be attached to the three-quarter disability bill covering Nassau County fire marshals that become disabled in the line of duty. I would like to thank you for your time and consideration on this issue.

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LEGISLATOR GONSALVES: Any comments? Any questions regarding this item? Any public comment? There being none, all those in favor of this home rule message signify by saying aye. Any opposed? The item passes unanimously. Thank you for being here.

MR. MULLER: We have another emergency. It comes by way of recommendation from the administration for the adoption of a resolution setting forth that an emergency exists for the consideration of immediate action upon clerk item 239-13. The emergency resolution 7-2013 is as follows.

A resolution requesting the legislature of the state of New York to enact and the governor to approve a bill to amend the tax law in relation to extending the authority of the county of Nassau to impose hotel and motel taxes in Nassau County and to amend chapter 179 of the laws of 2000, amending the tax law relating to hotel and motel taxes in

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Nassau County and a surcharge on tickets of places of entertainment in such county in relation to extending certain provisions thereof.

Please entertain a motion to place this matter before the legislature and vote on the emergency resolution.

LEGISLATOR GONSALVES: Moved by Legislator Dunne. Seconded by Legislator Belesi. All those in favor of establishing the emergency signify by saying aye. Any opposed? The emergency is established unanimously.

MR. MULLER: The resolution 97-E is a resolution requesting the legislature of the state of New York and the governor to approve a bill to amend the tax law, in relation to extending the authority of the County of Nassau to impose hotel and motel taxes in Nassau County, and to amend Chapter 179 of the laws of 2000, amending the tax law, relating to hotel and motel taxes in Nassau County and a surcharge on tickets

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2 of places of entertainment in such county  
3 in relation to extending certain  
4 provisions thereof.

5 Please entertain a motion to place  
6 this matter before the legislature.

7 LEGISLATOR GONSALVES: Motion  
8 made by Legislator Dunne. Seconded by  
9 Legislator Walker.

10 Who do we have to speak on this  
11 item?

12 MR. MAY: Roseanne D'Alleva from  
13 the Department of Management and Budget.

14 MS. D'ALLEVA: Any questions on  
15 this item?

16 LEGISLATOR GONSALVES: No? Any  
17 public comment on this item? There being  
18 none all those in favor of this  
19 resolution signify by saying aye.

20 (All say aye.)

21 LEGISLATOR GONSALVES: Any  
22 opposed? The item passes unanimously.

23 LEGISLATOR GONSALVES: Emergency  
24 number three.

25 MR. MULLER: We have an emergency

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that comes by way of a recommendation from the administration for the adoption of a resolution setting forth that an emergency exists for consideration of immediate action upon clerk item 240-13. The emergency resolution number eight of 2013 is as follows.

A resolution requesting the legislature of the state of New York to enact and the governor to approve a bill to amend the tax law in relation to extending the authority of the County of Nassau to impose additional sales and compensating use taxes and extending local government assistance programs in Nassau County.

Please entertain a motion to establish this emergency.

LEGISLATOR GONSALVES: Motion made by Legislator Dunne. Seconded by Legislator Becker. All those in favor of establishing the emergency signify by saying aye.

(All say aye.)

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LEGISLATOR GONSALVES: Any  
opposed? The emergency has been  
established.

MR. MULLER: Resolution 97-F, a  
resolution requesting the legislature of  
the state of New York to enact and the  
governor to approve a bill to amend the  
tax law in relation to extending the  
authority of the county of Nassau to  
impose additional sales and compensating  
use taxes and extending local government  
assistance programs in Nassau County.

LEGISLATOR GONSALVES: Motion  
please. Moved by Legislator Dunne.  
Seconded by Alternate Deputy Presiding  
Officer Kopel.

Anyone here to speak on this item?

MR. MAY: Again, Roseanne  
D'Alleva.

LEGISLATOR GONSALVES: Any  
questions of Roseanne? Any public  
comment? There being none, all those in  
favor of the resolution signify by saying  
aye.

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(All say aye.)

LEGISLATOR GONSALVES: Any  
opposed? Resolution number three passes  
unanimously. Thank you Roseanne.

MR. MULLER: We have an  
emergency. It comes by way of  
recommendation from the administration  
for the adoption of a resolution setting  
forth that emergency action exists for  
consideration of immediate action upon  
clerk item 241-13. The emergency  
resolution number 9-2013 is as follows.

A resolution requesting the  
legislature of the state of New York to  
enact and the governor to approve a bill  
to amend the Environmental Conservation  
Law in relation to extending Nassau  
County's authority to initiate and  
enforce certain legal actions.

LEGISLATOR GONSALVES: Moved by  
Legislator Dunne. Seconded by Legislator  
Walker. All those in favor of  
establishing the emergency signify by  
saying aye.

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(All say aye.)

LEGISLATOR GONSALVES: Any  
opposed? The emergency has been  
established unanimously.

MR. MULLER: Resolution 97-J, a  
resolution requesting the legislature of  
the state of New York to enact and the  
governor to approve a bill to amend the  
Environmental Conservation Law in  
relation to extending Nassau County's  
authority to initiate and enforce certain  
actions.

LEGISLATOR GONSALVES: Moved by  
Legislator Dunne. Seconded by Legislator  
Walker. Now, who is here to speak on  
this one?

MR. MAY: Chief Deputy County  
Executive Rob Walker.

MR. WALKER: This legislation was  
enacted previously. The Department of  
Health does have the ability to do this.  
However, in speaking to the speaker's  
office, the deputy speaker's office, she  
asked that we go forward with this bill

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2 as she continues to work with the senate  
3 on a sponsor. Obviously we do not want  
4 to have you come out again. Which we  
5 thank everybody for coming here today.  
6 This is before you today to again to  
7 allow the Department of Health to have  
8 additional abilities to provide public  
9 safety around out waterways.

10 LEGISLATOR GONSALVES: Any  
11 questions of Mr. Walker? Any public  
12 comment? There being none, all those in  
13 favor of resolution number four signify  
14 by saying aye.

15 (All say aye.)

16 LEGISLATOR GONSALVES: Any  
17 opposed? The item passes unanimously.  
18 Thank you, Mr. Walker.

19 The fifth emergency please.

20 MR. MULLER: This emergency comes  
21 by way of recommendation from the  
22 administration for the adoption of a  
23 resolution setting forth that an  
24 emergency exists for consideration of  
25 immediate action upon clerk item 243-13.

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The emergency resolution number 10-2013 is as follows.

A resolution requesting the legislature of the state of New York to enact and the governor to approve a bill to amend the Environmental Conservation Law in relation to extending Nassau County's authority to initiate and enforce certain actions.

Please entertain a motion to place this matter before the legislature and vote on the emergency resolution.

LEGISLATOR GONSALVES: Moved by Legislator Venditto. Seconded by --

MR. MULLER: I'm sorry. Let me read it again. Emergency resolution 10-2013 is as follows.

A resolution requesting the legislature of the state of New York to enact and the governor to approve a bill to amend the General Municipal Law in relation to payments in lieu of taxes for projects approved by the Town of Hempstead Industrial Development Agency

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and the Nassau County Industrial Agency.

Please entertain a motion to place this correct item before the legislature and vote on establishing the emergency.

LEGISLATOR GONSALVES: We already established the emergency, correct?

MR. MULLER: No. That's my fault. I read it incorrectly.

LEGISLATOR GONSALVES: Moved by Legislator Dunne. Seconded by Legislator Venditto. All those in favor of establishing the emergency for item 243 or emergency resolution ten signify by saying aye.

(All say aye.)

LEGISLATOR GONSALVES: Any opposed? The emergency passes unanimously. Now for the resolution.

MR. MULLER: Resolution 97-A, a resolution requesting the legislature of the state of New York to enact and the governor to approve a bill to amend the General Municipal Law in relation to payments in lieu of taxes for projects

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approved by Town of Hempstead Industrial Development Agency and the Nassau County Industrial Agency.

LEGISLATOR GONSALVES: Motion by Legislator Venditto. Seconded by Legislator Dunne.

Mr. Walker.

MR. WALKER: This legislation, unfortunately, we've heard repeatedly about the two villages, the villages of Freeport and Hempstead, had very little say over tax abatements that were issued to businesses in their villages. Unfortunately, in the village of Hempstead you have a wide range of good projects that were approved either by the county or in most cases the Town of Hempstead IDA that developed great jobs. However, it forced additional burdens onto the residents of the village. This legislation, which was a Hooper-Hannon piece of legislation, the last two sessions, would in fact provide the villages with the ability of the mayor

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and the board to provide input and actual approval over projects within their jurisdiction.

LEGISLATOR GONSALVES: Any questions of Mr. Walker on this item?

LEGISLATOR BECKER: Explain to me just a little bit. Just Freeport and Hempstead?

MR. WALKER: That's what this bill is for, Freeport and Hempstead. Unfortunately, right now, the villages, the village government, which governs both villages really do not have a say in the approval of any IDA transactions. In many cases those IDA transactions are very good transactions. In most cases they probably are. However, this will ensure that the residents of the village are able to have a say when it's going to impact them financially, maybe positively, but also if it is negatively, which we hope it never is, they will at least have a say.

LEGISLATOR BECKER: How is it for

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other villages?

MR. WALKER: These two villages in particular are very large.

MR. BECKER: Can I ask a question? What about other villages?

MR. WALKER: All kidding aside, these two villages obviously are the largest two in Nassau County. They see the most economic development activity. And during 2009, when I was with the county executive, it was said specifically with the Village of Hempstead that the residents were getting a greater burden of the property taxes because the shift -- because so many projects were either becoming tax exempt and/or you were seeing IDA projects.

LEGISLATOR BECKER: What about the village of Lynbrook? They never get an IDA or an IDA wouldn't be available to them?

MR. WALKER: They may. The town of Hempstead goes through their IDA. This is not an IDA of the village of

1  
2 Hempstead or Freeport. It's just the  
3 mayors had spoken to the assemblywoman,  
4 the deputy speaker, about having the  
5 ability to at least weigh in on their IDA  
6 projects in their village. We believe  
7 it's appropriate. We want to make sure  
8 the residents are protected in terms of  
9 taxes.

10 LEGISLATOR BECKER: Thanks very  
11 much.

12 LEGISLATOR TROIANO: Can I add to  
13 that. Fran, to your question, Hempstead,  
14 in particular, I don't know the stats for  
15 Freeport, but Hempstead, as you may know  
16 and recall, 35 percent of the properties  
17 in Hempstead are off the tax rolls. In  
18 part because Hofstra's there. There are  
19 a number of governmental buildings  
20 there. There are a number of churches  
21 there and an inordinate number of IDAs  
22 have been granted in the village of  
23 Hempstead. So it seems appropriate to me  
24 that the village government has a role,  
25 particularly Hempstead and probably

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2 Freeport as well, in saying yes, we think  
3 the benefit here is so great that it's  
4 worthy of another pilot in our village.  
5 Thank you.

6 LEGISLATOR GONSALVES: Any other  
7 comments?

8 LEGISLATOR DENENBERG: There is,  
9 Rob Walker, as you said, also Hempstead  
10 and Freeport in and of themselves have  
11 their own IDAs. So, whereas the villages  
12 might give pilots through their own IDAs,  
13 part of the reason here is if a Nassau or  
14 a town IDA is also doing something in the  
15 village unlike if the IDA of the villages  
16 were doing something and the mayor can at  
17 least weigh in. Here the mayors wanted  
18 to have at least some oversight, not just  
19 on their own IDAs but on the village and  
20 the county IDA. I think it's all good  
21 anyway. I think that was some of the  
22 logic as well.

23 LEGISLATOR GONSALVES: Any public  
24 comment on this item? There being none,  
25 all those in favor of item number five

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243 signify by saying aye.

(All say aye.)

LEGISLATOR GONSALVES: Any  
opposed? The item passes unanimously.

Now, I would like to say thank you  
to all of my colleagues from both sides  
of the aisle for being here today on such  
short notice. It is much appreciated.  
We got a lot done in about a half hour or  
so.

Motion to adjourn by Legislator  
Dunne. Seconded by Legislator  
Nicolello. All those in favor of  
adjourning say aye.

(All say aye.)

LEGISLATOR GONSALVES: Any  
opposed? Thank you very much.

(TIME NOTED: 1:46 P.M.)

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**CERTIFICATION**

**I, FRANK GRAY, a Notary  
Public in and for the State of New  
York, do hereby certify:**

**THAT the foregoing is a true and  
accurate transcript of my stenographic  
notes.**

**IN WITNESS WHEREOF, I have  
hereunto set my hand this 22nd day of  
June 2013**

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**FRANK GRAY**